

Pharmacy Practices Committee (11)
Minutes of a Meeting held on
Wednesday 8th August 2007
Meeting Room, Queens Park House, Langside Road
Glasgow, G42

PRESENT:

Andrew Robertson	Chair
Mr W Reid	Lay Member
Prof J McKie	Deputy Lay Member
Mrs Kay Roberts	Deputy Non Contractor Pharmacist Member
Gordon Dykes	Contractor Pharmacist Member
Colin Fergusson	Deputy Contractor Pharmacist Member

IN ATTENDANCE

Trish Cawley	Contractor Services Supervisor
Janine Glen	Contracts Manager – Community Pharmacy Development
David Thomson	Joint Lead – Community Pharmacy Development

Prior to the consideration of business, the Chairperson asked members if they had an interest in any of the applications to be discussed or if they were associated with a person who had a personal interest in the applications to be considered by the Committee.

No declarations of interest were made.

1. APOLOGIES

Apologies were received on behalf of Robert Gillespie and Alasdair MacIntyre.

2. MINUTES

The Minutes of the meetings held on Monday 18th June 2007 **PPC[M]2007/09** and Wednesday 4th July 2007 **PPC[M]2007/10** were approved as a correct record with the following amendment:

18th June – Sederunt should be amended to reflect Kay Roberts' designation as Deputy Non Contractor Pharmacist Member.

3. ANY OTHER BUSINESS NOT INCLUDED IN AGENDA

i) PPC and National Appeals Panel Training

Janine advised the Committee that the National Appeals Panel (NAP) had organised training for PPC members. The event would take place on 11th October 2007. At the moment only

ACTION

**Contracts
Manager**

declarations of interest were being sought. Janine undertook to provide each member of the Committee with a copy of the letter and to ascertain declarations of interest.

ii) **Temporary Suspension of Contract – Lloydspharmacy, 1626 Great Western Road**

Janine advised the Committee that Lloydspharmacy had applied for approval in principle to temporarily suspend the contract held at the above address.

The company were experiencing issues with their landlord and were unsure whether their lease would be renewed. The lease expired on 30th September 2007 and while negotiations were on-going and the company were confident of a positive outcome, there nevertheless remained the possibility that the contract would need to be suspended to allow the company to move to alternative premises if the lease was not extended.

Both Joint Leads had recommended approval of the application.

DECIDED/-

That Lloydspharmacy's application for a potential suspension of contract at 1626 Great Western Road is approved.

Section 1 – Applications Under Regulation 5 (10)

4. **Application for Inclusion in the Board's Pharmaceutical List**

i) **Case No: PPC/INCL12/2007
Mr A Manzoor and Ms Amina Al-Adhami, 5/7 Kennedy Path,
Townhead, Glasgow G4 0PP**

The Committee was asked to consider an application submitted by Mr A Manzoor and Ms Amina Al-Adhami, to provide pharmaceutical services from premises situated at 5/7 Kennedy Path, Townhead, Glasgow G4.0 under Regulation 5(10) of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995 as amended.

DECISION

The Committee noted that they had previously considered an application for premises in this area in May 2007 (**Case No: PPC/INCL**/07 - LG Pharmacy Ltd – Unit 2, 19 Kennedy Path, Glasgow G4**). The application was approved and several of those who had submitted written representations had appealed against the Committee's decision. The appeals had been referred to the National Appeals Panel, who had informed the Board in a letter dated 16th July 2007 that they considered that an oral hearing was required to

consider the appeals. Currently a date for the hearing was awaited.

The Committee agreed that it was unable to make a determination on this application until the outcome of LG Pharmacy's application was known.

DECIDED/-

The PPC agreed to postpone consideration of the application from Mr A Manzoor and Ms Amina al-Adhami until the National Appeals Panel had made a determination on LG Pharmacy Ltd's application.

**Contractor
Services
Supervisor**

ii)

Case No: PPC/INCL11/2007

**Dr S Riaz, Premichem Pharmacy Ltd, Unit E, Kingston Quay,
Morrison Street, Glasgow G5.8**

The Committee was asked to consider an application submitted by Premichem Pharmacy Ltd, to provide general pharmaceutical services from premises situated at Unit E, Kingston Quay, Morrison Street, Glasgow G5.8 under Regulation 5(10) of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995 as amended.

The Committee had to determine whether the granting of the application was necessary or desirable to secure the adequate provision of pharmaceutical services in the neighbourhood in which the applicant's proposed premises were located.

The Committee, having previously been circulated with all the papers regarding the application from Premichem Pharmacy Ltd, agreed that the application should be considered by oral hearing.

The hearing was convened under paragraph 2(2) of Schedule 3 to the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995 as amended ("the Regulations"). In terms of this paragraph, the PPC "shall determine an application in such a manner as it thinks fit". In terms of Regulation 5(10) of the Regulations, the question for the PPC is whether "the provision of pharmaceutical services at the premises named in the application is necessary or desirable to secure adequate provision of pharmaceutical service in the neighbourhood in which the premises are located by persons whose names are included in the Pharmaceutical List."

The Applicant was represented in person by Dr Saduf Riaz ("the Applicant"). The interested parties who had submitted written representations during the consultation period, and who had chosen to attend the oral hearing were Ms Dianne McGroary, (Munro Pharmacy), Ms Lisa Christie (LG Pharmacy), Mr Ian McDowall (Gilbride's) and Mr Gerry Hughes (Greater Glasgow & Clyde Area Pharmaceutical General Practitioner Subcommittee) ("the Interested Parties").

Prior to the hearing, the Panel had collectively visited the vicinity

surrounding Morrison Street, Glasgow G5.8, the pharmacies, GP surgeries and facilities in the immediate neighbourhood, and the wider areas of Cessnock, Kinning Park, Pollokshields and Gorbals.

The procedure adopted by the PPC at the hearing was that the Chairman asked the Applicant to make his submission. There followed the opportunity for the Interested Parties and the PPC to ask questions. The Interested Parties then made their presentations with the Applicant and the PPC having the opportunity to ask questions. The Interested Parties and the Applicant were then given the opportunity to sum up.

The Applicant's Case

Dr Riaz thanked the Committee for giving him the opportunity to present his case orally. He advised that he would attempt to make his case in a simple and logical fashion using the guidelines contained in the National Appeal Panel training document "The Legal Test". Dr Riaz added that before he applied the test he would spend some time giving the Committee information about Premichem Pharmacy Ltd's plans for the pharmacy in Tradeston.

The Applicant advised that the pharmacy would occupy a space of 1142 square feet. The company would provide a consultation room, a quiet area and a health information area. He intended to provide the full range of services required under the new contract: AMS (Acute Medication Service), CMS (Chronic Medication Service), PHS (Public Health Service) and eMAS (Minor Ailment Service). He would offer glucose monitoring, blood pressure monitoring, weight/BMI monitoring and any other additional services that would be commissioned by the Health Board. This would also include extra treatment rooms or consultation rooms. The company would also be willing to take part in any pilot schemes.

The Applicant advised that he had initially hoped to open the pharmacy for 24 hours per day, however after careful consideration and learned advice; he had felt this to be impractical from the outset. He did intend to increase the hours of service to 24 hours per day, 7 days a week, once the pharmacy was established. The Applicant hoped there would be no objection to his initial opening hours being amended to 8.00am – 8.00pm Monday to Friday; 12.00pm – 9.00pm Saturday and 10.00am – 4.00pm Sunday.

The Applicant advised that he would now move on to apply the legal test in the accepted order: beginning with his proposed definition of the neighbourhood. Dr Riaz advised that before he defined the neighbourhood he would like to remind the Committee of the following two famous judgements:

Lord Nimmo-Smith, Judicial Review Petition of Boots the Chemist Ltd 1999 - "[Neighbourhood] is not defined in the Regulations and must therefore be given the meaning which would normally be attributed to it

as an ordinary word of the English language. As the word is ordinarily understood, it has connotations of vicinity or nearness, the word “neighbourhood” in regulation 5(10) of the 1995 Regulations means an area which is relatively near to the premises in question, which need not have any residents, and which can be regarded as a neighbourhood for all purposes.”

Lord Justice Banks – Alliance Economic Investment Co. V Berton (1932), 92 LJKB “I pass now to consider what is indicated by the expression “neighbourhood”. In this connection it is impossible to lay down any general rule. In country districts people are said to be neighbours, that is to live in the same neighbourhood, who live many miles apart. The same cannot be said of dwellers in a town where a single street or a single square may constitute a neighbourhood....Again, physical conditions may determine the boundary or boundaries of a neighbourhood, as, for instance, a range of hills, a river, a railway or a line which separates a high class residential district from a district consisting only of artisans’ or workmen’s dwellings.”

The Applicant went on to explain the importance of these two judgements, Firstly, Lord Nimmo Smith defined a neighbourhood as being a ‘place’ which has the meaning normally attributed to it in the English language. In other words, a place where the residents all call each other neighbour. The Applicant advised that Justice Banks had taken this argument a little further. Banks had explained that a neighbourhood isn’t simply defined by size, and its dimensions would differ depending on where it was. One of the main factors that would influence who people considered themselves to be neighbours was geography, but the Applicant advised, there were other factors. Applying these two quotes to his application, the Applicant defined his neighbourhood as:

North – River Clyde (a geographic boundary);

West – south from the River to the junction of Paisley Road and Seaward Street, then following Seward Street to the M8 motorway, then on the south side of the motorway along Shields Road to the point where it crossed the railway (a geographic boundary and demographic boundary);

South – from the point where Shields Road crossed the railway in a direct line across the industrial area to Eglinton Toll (a geographic boundary and demographic boundary); and

East – the A77 from Eglinton Toll to the River (a geographic boundary and demographic boundary).

The Applicant advised that when considering a previous application for Oxford Street, the PPC defined the northern boundary as the River Clyde and the Western boundary as Bridge Street and Eglinton Street. The PPC and the NAP therefore agreed that the adjacent neighbourhood (Gorbals) extends to the A77. The Applicant also drew the Committee’s attention that the GP Sub-committee had defined a similar neighbourhood to his own.

Taking these points into consideration, the Applicant advised that the neighbourhood was:

- distinct from the neighbourhood to the north on the other side of the River Clyde (defined as a boundary in numerous PPC and NAP cases);
- distinct from the neighbourhood to the east (Gorbals – boundary defined on numerous occasions by PPC and NAP);
- distinct from the neighbourhood to the south (Pollokshields); and
- distinct from the neighbourhood to the West – the Applicant advised that this should be the case as to the west of his defined boundary were the neighbourhoods of Kinning Park and Cessnock, past the industrial/retail area that forms a clear geographic boundary between the two. The Applicant advised that these were mature neighbourhoods, with a distinctive demography which was very different from that of Tradeston.

The Applicant suggested that no-one living in one of the new flatted accommodating in Kingston Quay would consider themselves a 'neighbour' of an old-age pensioner living in Kinning Park. There was also a vast difference in house prices. A four bedroom flat in the Paisley Road West area was priced in the same region as a one bedroom flat in Tradeston. The Applicant reminded the Committee that a neighbourhood was a place where all the residents considered themselves to be 'neighbours'. This was the considered legal opinion of the Court of Session, and suggested the Applicant, made sound sense.

The Applicant then moved on to describe the adequacy of existing services, advising the Committee that there was no pharmaceutical service currently in the neighbourhood. There were pharmacies in adjacent neighbourhoods: Munro and Alliance in Gorbals, and Hughes, Mehta and Gilbride in Kinning Park. Whilst the Applicant had no doubt that these pharmacies provided excellent services to the residents of the neighbourhoods in which they were located, he believed that these pharmacies provided negligible services to the neighbourhood in which his premises were located. The Applicant suspected that the majority of residents accessed pharmaceutical service at a wide range of locations across the city and as the population grew they would continue to be forced to do so. They would not be inclined to access services in Kinning Park or Gorbals. The demography of the neighbourhood was such that it was highly unlikely residents used these pharmacies currently closes to the neighbourhood.

The Applicant advised that this was not an application which would have been made five years ago. If the status quo were to remain it was not an application the Applicant would have made today. The current resident population of around 1,500 was not sufficient to support a pharmacy in the long term. The application was about the future. The Applicant advised that there were vast amounts of redevelopment occurring throughout Tradeston which was going to lead to a significant increase in population:

Broomielaw/Tradeston Bridge – 2004/2007 – budget £34million – site cleared and work started;
- Tradeston (Clyde and Waterfront) – 2004/2008 – budget £150million – preferred developer appointed – 955 residential dwellings – projected residential population will be over 3,000 by 2008;
- Tradeston Master Plan – 2003/2024 – developing the remaining 12 blocks in association with the proposed new pedestrian bridge between Broomielaw and Tradeston.

Other developments: The SAAB garage had been sold and is earmarked for residential dwellings, the building across from the Applicant's premises had been sold and was also to be developed into housing, and the cash and carry premise adjacent to the proposed premises had negotiated the sale of its land and was also going to be developed into housing.

At this point in his presentation Dr Riaz produced two letters of support which he asked to read out to the Committee and interested parties. The Chair drew the Applicant's attention to the Guidance issued to Applicants and Interested Parties attending oral hearings and also to the invitation letter sent to all parties, and pointed out that any new evidence produced on the day could only be accepted with the Committee's agreement. The oral hearing process clearly advised that all evidence should be submitted at least ten days prior to the oral hearing. The Applicant advised that the letters were from the local Councillor and would validate information relating to new developments in the area. The Chair advised that he was not inclined to accept the late information as he did not consider it would strengthen the Applicant's case. The Committee agreed and the Applicant was asked not to read the letters.

The Applicant advised that the development in the area would encompass a limited supply of retail units that would no doubt be in demand. It would therefore be difficult to obtain a lease for a pharmacy in the future. There had been considerable demand for the lease of the proposed premise and numerous companies such as Subway and Dominoes had approached the landlord for the lease.

The Applicant advised that the PPC should not simply base its decision on what was needed today. It must take into account what will be required tomorrow. This principle had been tested at Judicial Review. With this in mind, the Applicant advised that the existing services were not adequate for a projected population by 2008/2009 and not adequate for a projected population of over 7,000 by the end of the project.

The pharmacies in the surrounding neighbourhoods were a considerable distance on foot.

Parking was difficult at all of them

During rush hour the A8 road was heavily congested making access

difficult;

On foot pedestrians have to cross at least 5 roads to access a pharmacy; and

They were located in very different demographic areas, and this would inevitably influence the likelihood of their being used by residents of Tradeston. The simple fact was that they wouldn't so, for the purposes of this application, the Applicant suggested they should be discounted.

The 3,500 residents of Tradeston would not use Gorbals or Kinning Park to access a pharmacy because they wouldn't want to park their BMWs outside pharmacies that spend a large part of the day supervising methadone consumption. The Applicant reiterated that these were not his prejudices, but those of a large part of the resident population of the new Tradeston.

The Applicant advised that some may consider this to be a well-off, young, healthy population, but would question whether this meant there was no need for a pharmaceutical service. He questioned whether there was no-one in the area with heart disease, or diabetes, or asthma. He reiterated that any population of this size, rich or poor, had a right to a pharmaceutical service in their neighbourhood.

The Applicant contended that services were clearly inadequate and that it was necessary and desirable to grant this application in order to secure pharmaceutical services which were fit for the present and the future.

The Interested Parties' Question and Applicant

In response to questioning from Ms Christie, the Applicant advised that he was not aware if any complaints had been lodged about the lack of services in the Tradeston area. He reiterated that the absence of complaints did not indicate that services were adequate.

On further questioning from Ms Christie, the Applicant advised that he would not necessarily provide different services to those provided by the other contractors, but that he would provide the services within the neighbourhood.

In response to further questioning from Ms Christie, the Applicant disputed that those residents in Tradeston would normally access pharmaceutical services in Cessnock or Kinning Park. The Applicant asserted that these areas were "rougher" than Tradeston and residents would not normally be inclined to travel to these areas to access services.

In response to questioning from Ms McGroary, the Applicant confirmed that his proposed premises would be 1,142 square feet, and that there would be room for a consultation room, a quiet area and health information area. The Applicant also confirmed that access to the dispensary would be by means of an elevator which would be fully DDA compliant.

In response to Ms McGroary's clarification around difficulty in parking at other pharmacies, the Applicant advised that he had made a sweeping statement about parking difficulties and that this comments was directed more to the pharmacies on Paisley Road West, and not those in Gorbals.

In response to further questioning from Ms McGroary, the Applicant advised that he intended to provide all services associated with the new pharmacy contract. He asserted that the elderly, those with heart disease and younger children would utilise the chronic medication element of the service. He was not surprised to learn that the area had a lower than average number of residents over 65 and asserted that many other residents would avail themselves of the service.

In response to final questioning from Mc McGroary, the Applicant advised that he would draw his prescriptions from the GP surgeries where the residents of Tradeston were registered.

In response to questioning from Mr McDowall, the Applicant advised that he would raise the profile of services by undertaking a leaflet drop and also within public health messages and campaigns which would be undertaken as part of a wider strategy raising the profile of the company as a brand. The leaflet drop would be restricted to the immediate area.

In response to further questioning from Mr McDowall, the Applicant advised that he would publicise services to those resident in the area, it would then be a matter of personal choice, whether those residents chose to access services in the neighbourhood or continue to access services at the pharmacy where they normally accessed services.

In response to a question from Mr McDowall around methadone dispensing, the Applicant advised that he did not think there would be a significant methadone using population around the proposed premises, but that he was willing to provide the service if needed. He did not agree that a small number of clients would act as a deterrent to other patients using the premises.

In response to final questioning from Mr McDowall the Applicant advised that previous applications had been approved for populations of as little as 1,000 specifically in rural areas. He was confident that the proposed pharmacy would be cost effective.

In response to questioning from Mr Hughes, the Applicant confirmed that his southern boundary was not the railway which was the main Central Station/Gourock line.

In response to further questioning from Mr Hughes, the Applicant confirmed that he had reconsidered the proposed hours of service, and did not now intend to provide 24 hour cover from the outset. The Applicant did not agree with Mr Hughes that the amended hours of

service were outwith the Model Hours of Service.

In response to further questioning from Mr Hughes, the Applicant reiterated that he considered the neighbourhood defined by the Area Pharmaceutical Committee GP Sub-committee to be similar to that defined by him. He did not accept Mr Hughes distinction between an active and an inactive railway line. He considered any railway line to be a physical boundary. He did not accept Mr Hughes suggestion that his reference to a "railway line" implied one that was used.

In response to further questioning from Mr Hughes, the Applicant estimated the resident population within the triangular area to the south of his neighbourhood as being 1,690. In response to further questioning from Mr Hughes around residential developments within the area, the Applicant asserted that the information he had presented around the increase in residential units within the neighbourhood had been obtained from Glasgow City Council Planning Department. The information represented known firm plans for development which would result in a significant increase to the resident population within the neighbourhood by 2009. The Applicant reiterated the information about the development know as the "Waterfront" and explained that residential provision was being built across from the Casino. The Cash and Carry and the Saab car dealership adjacent to the Applicant's proposed premise were also due to be sold for residential development. The Applicant projected that the population would increase to approximately 7,000 at the end of the project in 2024.

In response to further questioning from Mr Hughes, the Applicant confirmed that when he made his point about patients needing to cross five roads to access the nearest pharmacy, he was specifically meaning towards Kinning Park and the pharmacies in Admiral Street.

In response to a question from Mr Hughes around car parking near the proposed premises, the Applicant advised that there was on-street parking outside the premises.

In response to final questioning from Mr Hughes, the Applicant confirmed that any publicity exercise would of course be in line with the RPSGB's regulatory framework around retail pharmacy advertising.

The PPC Question the Applicant

In response to questioning from Mr Reid, the Applicant confirmed that he had decided to amend his proposed hours of service approximately one week before the oral hearing. He had decided to take this course of action after taking advice. He had been advised that providing 24hour service may not be economic as soon as the pharmacy was established. He advised that it remained his intention to provide 24 hour service, however this would be offered once the pharmacy was established and not from the outset.

In response to further questioning from Mr Reid, the Applicant confirmed

that he considered his proposed premises to be ideally placed to provide services to the current resident population and the potential increase in population expected from the new developments in the area.

In response to further questioning from Mr Reid, the Applicant advised that access to the upstairs dispensary would be by means of an elevator, which would be big enough to accommodate a wheelchair, and would be fully DDA compliant. The Applicant considered that there would be sufficient space within the pharmacy to accommodate this, and did not mind compromising on retail stock to ensure DDA compliance.

In response to questioning from Professor McKie, the Applicant reiterated that he was not committed to purchase the same elevator as the newsagents/grocers at the other end of the block, which had been visited by the PPC. He advised that he would shop around to find the most effective elevator for the premises.

In response to further questioning from Professor McKie, the Applicant advised that he had decided to change the initial hours of opening as he felt there needed to be time to establish the business. Once the contract was granted there would be a need to take time to build a relationship with the clientele.

In response to further questioning from Professor McKie, the Applicant advised that his defined neighbourhood needed a pharmacy as it was different in demographics to surrounding areas. Delivery services into the area were not adequate and the resident population would be better served by having services provided within the neighbourhood.

In response to final questioning from Professor McKie, the Applicant advised that he had chosen Seaward Street as a boundary as the area beyond this was a different environment to Tradeston. He did not consider that the population within his defined neighbourhood would travel towards Seaward Street to access services, preferring rather to travel to the east or north.

In response to questioning from Mr Thomson, the Applicant confirmed that the proposed premises were currently in shell form, and that he would have scope to fit-out the premises as he preferred.

In response to questioning from Mr Dykes, the Applicant advised that he would be paying only cost price for the rental of the premises. While overheads in the country might be less than that in the city, rural areas didn't have access to much business from a transient population. The Applicant pointed out that there were over 200 businesses within the area.

In response to questioning from Mr Fergusson, the Applicant advised that he thought the double yellow lines were not on the same side of the road as his proposed premises.

In response to questioning from Mrs Roberts, the Applicant advised that he was aware of the Glasgow Drug Problem Service facility situated on West Street.

In response to further questioning from Mrs Roberts, the Applicant advised that there would be other retail units for occupancy within the "Waterfront" development underneath the residential development.

In response to a question from Mrs Roberts around his comparison with the granting of contracts in rural areas, the Applicant advised that he was not familiar with the Essential Small Pharmacy concept.

In response to final questioning from Mrs Roberts, the Applicant reiterated his comments around the long term aspect of the application. He accepted that at present there was approximately only 1,500 of a resident population, but pointed to the development underway which would result in a significant increase in population. He saw no merit in opening a pharmacy without an NHS contract and asserted that it would take approximately 12 months to establish the new pharmacy, by which time the various developments within the area would be complete and new populations would have moved into the area.

In response to questions from the Chair, the Applicant advised that on the lower floor of the premises there would be a stairwell, elevator and toilets. All other facilities would be situated on the first floor. There were no stairs in the premises at the moment.

The Interested Parties' Case – Ms Diane McGroary (Munro Chemists)

Ms McGroary thanked the Committee for allowing Munro Chemists to be represented today. She explained that in the view of Munro's the Applicant had defined a pocket within a neighbourhood and not a neighbourhood in itself. Ms McGroary suggested that the neighbourhood should be defined as:

North: River Clyde;
East: Rutherglen Road to Polmadie;
West: Paisley Road West to Commerce Street; and
South: Calder Street, Darnley Road and Dumbreck Road

Ms McGroary advised that the Applicant's figures of a current population of 1,500 was not sufficient to sustain a pharmacy, where an average figure would be more in the region of 4,000. She therefore considered that for the Applicant's premises to be viable, he would need to draw business away from the existing network, thus jeopardising the quality of service currently provided.

Ms McGroary pointed to the comments made by the Applicant around precedent set in the granting of contracts in rural areas, and suggested that in these cases there would be an absence of services in the areas

surrounding the proposed premises. She suggested that this was not the case in this application, with the nearest pharmacies being only .05 miles away.

Ms McGroary advised the Committee that there was a lack of parking outside the Applicant's proposed premises. Munro Chemist's branch at Crown Street provided all services required by the contract and in addition provided a collection and delivery service, supervised methadone, nicotine replacement therapy, e-mas, chronic and acute services. The branch was due for a refit which would improve the public's access to services. There was a reliable public transport network within the area.

Ms McGroary advised that numerous applications for premises within the wider area had been rejected as not necessary or desirable. She considered the area to be mainly commercial and did not consider the Applicant to be offering any services that were not already provided by the current network. She did not consider the application to be necessary or desirable.

There were no questions to Ms McGroary from the Applicant or the other Interested Parties.

The PPC Questions Ms McGroary

In response to a question from Mr Reid, Ms McGroary advised that if granted, the contract would have an effect on other pharmacies in the area. She considered that the Applicant would draw prescription income from GP surgeries which were already served by existing contractors and that this would result in a decrease in business and therefore jeopardise services.

In response to questioning from Mr Thomson, Ms McGroary did not agree that a further contract would assist in coping with the demand for methadone services in the Laurieston area. Ms McGroary was confident that the current clinic could cope with more demand.

In response to questioning from Mr Dykes, Ms McGroary advised that Munro Chemists did not provide a 24 hour service as they were not confident that there was a demand for such. She advised that some Munro branches operated to 11.00pm and could say that the footfall within the branches decreased significantly after 10.00pm. Ms McGroary advised that Munro's would look to provide a 24hour service if demand became apparent however she felt there were difficulties to address with such a service e.g. availability of locums.

In response to questioning from Mrs Roberts, Ms McGroary advised that Munro's were planning to undertake a refit at their Crown Street branch which would improve access for the current population and prepare the branch for any demand from the potential increased population emanating from the new developments.

There were no questions to Ms McGroary from Mr Reid, Professor McKie, Mr Fergusson or the Chair.

The Interested Parties' Case – Ms Lisa Christie (LG Pharmacy)

Ms Christie thanked the Committee for the opportunity for LG Pharmacy to have representation at the hearing.

She advised the Committee that the Applicant and not defined a distinct neighbourhood. The resident population within the area needed to move outwith on a day to day basis.

She did not consider the application to be necessary as the existing network provided a more than adequate service including all core elements and additional services. LG Pharmacy provided a collection and delivery service after 6.00pm where at least the first delivery was made by a pharmacist.

She did not consider that a 24hour facility was necessary at these premises. The premises was difficult to drive to, there was no parking outside. She did not consider the area to be safe.

There were no questions to Ms Christie from the Applicant or the other Interested Parties.

The PPC Questions Ms Christie

In response to questioning from Mrs Roberts, Ms Christie advised that LG Pharmacy would not be appreciably affected if the application was granted. She advised that she had objected to the application on the specific ground of the 24 hour service concept. She did not feel that such a service at these premises was appropriate.

The Interested Parties' Case – Mr Ian McDowall (Gilbride's Chemists)

Mr McDowall advised the Committee that in his opinion a neighbourhood was a cluster of people living in a community spirit. He suggested that the resident population around the Applicant's proposed premises could not be said to be living in a community spirit. They were a mobile population who were able to travel outwith the area to access services they required.

He advised that the Gilbride's branch at 40 Paisley Road West was marginal and that it relied on the prescription business from the surgeries at Admiral Street. The granting of a further contract in the area would have a significant impact on their provision of services.

There were no questions to Mr McDowall from the Applicant or the other Interested Parties.

The PPC Questions Mr McDowall

In response to questioning from Mr Reid, Mr McDowall clarified his point around Gilbride's branch at 40 Paisley Road West. Mr McDowall had not implied that the branch was in danger of losing viability but rather that they operated with small margins which could be affected if another contract were awarded. Mr McDowall was confident that the branch had adequate scope to deal with any increase in demand from potential increases in population as a result of the developments in the area.

In response to questioning from Mrs Roberts, Mr McDowall agreed that bringing another pharmacy into the equation could have an appreciable effect on the three pharmacies situated around the Admiral Street surgeries. He agreed that the present number of pharmacies in the neighbourhood was adequate, but that the location could perhaps be more effective.

There were no questions to Mr McDowall from Professor McKie, Mr Thomson, Mr Dykes, Mr Fergusson or the Chair.

The Interested Parties' Case – Mr Gerry Hughes (Greater Glasgow & Clyde Area Pharmaceutical General Practitioner Sub-Committee)

Mr Hughes advised that the GP Sub-committee had used the information available to it at the time of consideration and had recommended that the application was not necessary or desirable.

There were currently 14 pharmacies within a one mile radius of the Applicant's proposed premises.

The application was not necessary or desirable.

There were no questions to Mr Hughes from the Applicant or the other Interested Parties.

There were no questions to Mr Hughes from Mr Reid, Mr Thomson, Mr Dykes, Mr Fergusson, Mrs Roberts or the Chair.

The Interested Parties Sum Up

Ms McGroary advised the Committee that there was no need or desirability for a pharmacy in this area.

Ms Christie invited the Committee to reject the application as another pharmacy would result in an over provision in the area. There was no need for a further pharmacy, and certainly not one which would provide a 24 hours service.

Mr McDowall advised the Committee that there was no need or

desirability for an additional contract.

Mr Hughes advised the Committee that there was no need for a pharmacy. The current services were adequate.

The Applicant Sums Up

The Applicant advised the Committee that the defined neighbourhood had clearly identified demographic and geographic boundaries. The building structures and functions were also completely different from the surrounding neighbourhoods. The PPC had previously granted licences for rural pharmacies with a population of 1,000 and the Applicant's neighbourhood had a current population of 1,500. The Tradeston regeneration was definitely progressing and would yield a huge new residential population which would require pharmacy services. This population did not include the visiting population to the area and this must also be considered by the PPC. Currently there were approximately 200 businesses in the neighbourhood.

The Applicant contended that he felt the provision of pharmaceutical services at the premises was necessary and desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises were located. He would also amend the Saturday hours of opening of the pharmacy to 8.00am – 8.00pm

He asked the Committee to grant the application.

Before the Applicant and the Interested Parties left the hearing, the Chair asked them to confirm that they had had a full and fair hearing. All Interested Parties confirmed they had.

The Applicant advised that he did not feel that he had had a full and fair hearing as he had been precluded from presenting information at the oral hearing. The Chair advised Dr Riaz that the processes around oral hearings stated that any information presented on the day of the hearing would only be admitted with the Committee's agreement. Dr Riaz advised that he was not aware of this process as he had been allowed to present information at previous oral hearings and he had not read the guidance provided to Applicants and interested parties around oral hearings. The Chair advised that the information was also contained in the letter of invitation which had been sent to the Applicant 21 days before the oral hearing. Dr Riaz advised the Committee that he had not received the letter in this timescale and was therefore unaware that all information had to be submitted at least 10 days in advance of the hearing. The Chair thanked Dr Riaz for his comments and advised that these would be taken into consideration by the Committee during their determination.

The PPC was required and did take into account all relevant factors concerning the issue of:-

- a) Neighbourhood;
- b) Adequacy of existing pharmaceutical services in the neighbourhood and, in particular, whether the provision of pharmaceutical services at the premises named in the application was necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises were located.

The PPC took into all account all written representations and supporting documents submitted by the Applicant, the Interested Parties and those who were entitled to make representations to the PPC, namely:

- a) Chemist contractors within the vicinity of the applicant's premises;
- b) The Greater Glasgow & Clyde Area Pharmaceutical General Practitioner Sub-Committee;
- c) The Greater Glasgow & Clyde Area Medical Committee (GP Sub-Committee).

The Committee also considered;-

- d) The location of the nearest existing pharmaceutical services;
- e) Demographic information regarding post-code areas G1.4, G5.8 and G41.1;
- f) Patterns of public transport; and
- g) NHS Greater Glasgow and Clyde plans for future development of services; and

DECISION

Prior to the consideration of the application the Committee discussed Dr Riaz's comments around the process. Mrs Glen advised the Committee that the invitation letter and guidelines for those attending oral hearings had been sent by Recorded Delivery letter to the Applicant's business address on 18th July 2007. The letter had been returned to Mrs Cawley marked "addressee gone away" on 24th July 2007. Mrs Cawley checked with Dr Riaz and ascertained that the address was out of date and the Board had not been informed. A further Recorded Delivery letter was organised to be posted on 25th July 2007. Dr Riaz however came in to the office in person on 25th July 2007 on another matter, and the letter was hand delivered to him on this date.

Having considered the evidence presented to it, and the PPC's observation from the site visit, the PPC had to decide first the question

of the neighbourhood in which the premises to which the application related, were located.

The Committee considered the various neighbourhoods put forward by the Applicant, and the Interested Parties. The Committee defined the neighbourhood as being:

North: the River Clyde:

South: from Cook Street, along the railway line to Shields Road;

East: Bridge Street to Eglinton Street;

West: Shields Road, under M8 motorway, Seaward Street to River Clyde.

The Committee felt that this was a distinct neighbourhood. The area was bound by the physical barriers created by the river and the rail network. The area within these boundaries was distinct in that it was mainly commercial with a small residential element, which may increase over time due to new development. The Committee considered that the area as defined challenged the status of neighbourhood given that the current population was urban, professional, highly mobile and somewhat itinerant. The residents travelled freely outwith the area as part of the normal fabric of their every day lives, and accessed essential services outwith the area despite the existence of physical barriers. The Committee did not consider there to be a sense of community within the area or that the residents within the area would define themselves as being near to others or neighbours with those only a short distance away. This was due to the types, price and quantity of residences within the area.

Adequacy of Existing Provision of Pharmaceutical Services and Necessity or Desirability

Having reached that decision, the PPC was then required to consider the adequacy of pharmaceutical services in that neighbourhood, and whether the granting of the application was necessary or desirable in order to secure adequate provision of pharmaceutical services in that neighbourhood.

Within the neighbourhood as defined by the PPC there were currently no pharmacies. The resident population currently accessed services outwith the area adjacent to the nearby GP practices.

The Committee noted that within the neighbourhood as defined by the Committee there were no pharmacies. The Committee however did not agree that this in itself was justification to approve the application. It was agreed that the residents within the defined area would have made a conscious decision to move there in the full knowledge that they would need to travel outwith the area for most of their daily needs e.g. work, GP, church, shops etc. The Committee believed that development within the area was not complete, nor was there sufficient information around projected population increases to determine that there would be any

significant increase in demand for pharmaceutical services. The Committee therefore did not consider that the granting of the application was necessary.

The Committee considered the potential effect that the planned residential/retail development may have on the area. They were aware that the Waterfront development had commenced. The Committee considered how this would affect the topography of the area, and agreed that the opening of the development would offer less of an opportunity of joining the Tradeston area with others in the vicinity due to the nature of the development. The area would in all probability continue to be mainly commercial for a considerable period of time with any residents travelling outwith the area to access services and amenities.

In accordance with the statutory procedure the Chemist Contractor Members of the Committee Gordon Dykes, Colin Fergusson and Board Officers were excluded from the decision process:

DECIDED/-

The PPC was satisfied that the provision of pharmaceutical services at the premises of the Applicant was not necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises were located by persons whose names are included in the Pharmaceutical List and in the circumstances, it was the unanimous decision of the PPC that the application be refused.

The Chemist Contractor Members of the Committee Gordon Dykes, Colin Fergusson and Board Officers rejoined the meeting at this stage.

4. APPLICATIONS STILL TO BE CONSIDERED

The Committee having previously been circulated with Paper 2007/35 noted the contents which gave details of applications received by the Board and which had still to be considered. The Committee agreed the following applications should be considered by means of an oral hearing:

**New Age Healthcare Ltd – 37 Glenkirk Drive, Glasgow G15.6;
New Age Healthcare Ltd – 24 Quarrywood Avenue, Glasgow G21.3; and
Premichem Pharmacy Ltd, 1 Freelands Road, Old Kilpatrick, Glasgow G60.5.**

The Committee agreed the following application/s should be considered by means of written representations:

Mr Mohammed Rashid, 668 Eglinton Street, Glasgow G5.9

**Contractor
Services
Supervisor**

4. CHANGE OF OWNERSHIP

The Committee having previously been circulated with Paper 2007/36 noted the contents which gave details of Changes of Ownership which had taken place in the following cases:

Case No: PPC/CO16/2007 – Central Pharmacy UK Ltd – 172 Main Street, Renton, Dumbarton G82.4

The Board had received an application from Central Pharmacy UK Ltd for inclusion in the Board's Pharmaceutical List at a pharmacy previously listed as Mrs Marion Marchbanks at the address given above. The change of ownership was effective from 1st July 2007.

The Committee was advised that the level of service was not reduced by the new contractor and that the new contractor was suitably registered with the Royal Pharmaceutical Society of Great Britain.

Given the above, the Committee agreed that the application could be granted in terms of Regulation 4 of the current Pharmaceutical Regulations.

5. MATTERS CONSIDERED BY THE CHAIR SINCE THE DATE OF THE LAST MEETING

The Committee having previously been circulated with Paper 2007/37 noted the contents which gave details of matters considered by the Chair since the date of the last meeting:

Change of Ownership

Case No: PPC/COO17/2007 – Boots the Chemist, Unit 38 Pollok Centre, Glasgow G53.6

The Board had received an application from Boots the Chemist Ltd for inclusion in the Board's Pharmaceutical List at a pharmacy previously listed as Pollok Pharmacy at the address given above. The change of ownership was effective from 1st July 2007.

The Committee was advised that the level of service was not reduced by the new contractor and that the new contractor was suitably registered with the Royal Pharmaceutical Society of Great Britain.

Given the above, the Committee agreed that the application could be granted in terms of Regulation 4 of the current Pharmaceutical Regulations.

NOTED/-

6. NATIONAL APPEALS PANEL DETERMINATION

The Committee having previously been circulated with paper 2007/38 noted the contents which gave details of the National Appeals Panel's determination of appeals lodged against the Committee's decision in the following cases:

Ms Jennifer Kelly – Unit C 151 Western Road, Cambuslang, Glasgow G72.8 (Case No: PPC/INCL02/2007)

The Committee noted that the National Appeals Panel had upheld the Appeal submitted against the PPC's decision to approve Ms Kelly's application to establish a pharmacy at the above address. As such Ms Kelly's name was not included in the Board's Provisional Pharmaceutical List, and the file on the application had been closed.

NOTED/-

7. PPC PROCESSES

Mrs Glen asked the Committee to agree, as part of the on-going integration process, to Appendix 3 of the Committee's papers being made up of photocopies of the representations received during the consultation period.

After comprehensive discussion, the Committee agreed that the process should be standardised, but asked that the preferred process be the production of transcripts of the letters and not photocopies. The Committee agreed by unanimous decision that transcripts were easier to read and allowed standardisation of presentation.

**Contracts
Manager**

8. DATE OF NEXT MEETING

Scheduled for Wednesday 22nd August 2007 at 12.30pm. Venue to be confirmed.

The Meeting ended at 4.40p.m.